

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINCINNATI SMSA LIMITED	)	
PARTNERSHIP FOR THE ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A NEW CELL	)	CASE NO. 90-333
FACILITY FOR ITS DOMESTIC PUBLIC	)	
CELLULAR RADIO TELECOMMUNICATIONS	)	
SERVICE IN COVINGTON, KENTUCKY IN THE	)	
CINCINNATI METROPOLITAN STATISTICAL	)	
AREA	)	

O R D E R

On December 12, 1990, Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional radio telecommunications antenna tower in the Cincinnati Metropolitan Statistical Area ("Cincinnati MSA").

The proposed cell facility is designed to improve Cincinnati SMSA's existing service and accommodate future subscriber growth. The proposed facility consists of a 297 foot antenna tower to be located at 4929 Ridgeview Drive in Covington, Kentucky.

On December 17, 1990, the Commission ordered Cincinnati SMSA to file additional information and to give written notice of the proposed tower site to each resident/tenant and each property owner within a 500 foot radius of the proposed tower site. On

January 18, 1991, Cincinnati SMSA filed the additional information as requested, and on January 22, 1991, it filed an affidavit verifying compliance with the notice requirement. The notice, which was mailed on January 11, 1991, solicited comments from residents and property owners and informed them of their right to intervene. No requests for intervention were received, but the Commission did receive several letters expressing concern that the tower's operation will create health hazards. The Commission subsequently ordered Cincinnati SMSA to respond to each letter, with a copy to the Commission, addressing the health issues raised. On March 25, 1991, Cincinnati SMSA filed its response.

According to its response, Cincinnati SMSA does not anticipate the proposed tower to cause any health hazard. The cellular system's transmission is in the same frequency range as the Ultra High Frequency ("UHF") television channels. Therefore as there is no health concern with viewing the UHF television, there should not be any concern with the presence of a cellular tower. Also, the Federal Communications Commission ("FCC") limits the transmission level to a maximum of 500 watts effective radiated power in order to limit the human exposure to radiation. Furthermore, Cincinnati SMSA enclosed a document published by Electromagnetic Energy Policy Alliance which concludes that the health affects of cellular radios are too low.

In response to the December 17, 1990 Order, Cincinnati SMSA provided information regarding the structure of the tower, safety measures, and antenna design criteria. The tower design conforms

to all standard engineering codes. The tower should withstand high winds, tornadoes, and earthquakes. Should the tower start to fall, the tower is so designed that it should bend along its length and fold upon itself rather than falling in the direction of any building within its radius.

Pursuant to KRS 100.324(1), the proposed cell site construction is exempt from local zoning ordinances. However, Cincinnati SMSA has notified the Northern Kentucky Area Planning Commission of its proposed construction. On July 24, 1990, the Planning Commission responded to Cincinnati SMSA confirming the exemption.

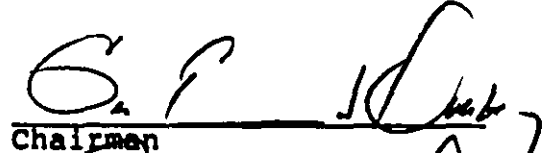
The FCC has already granted Cincinnati SMSA authority to operate in the Cincinnati MSA. On June 7, 1990, Cincinnati SMSA filed an application with the Federal Aviation Administration ("FAA") seeking its approval for the proposed cell site. The FAA approved the application on August 30, 1990. Cincinnati SMSA also filed an application with the Kentucky Airport Zoning Commission ("KAZC") seeking its approval for the proposed cell site. The KAZC approved the application on June 18, 1990.

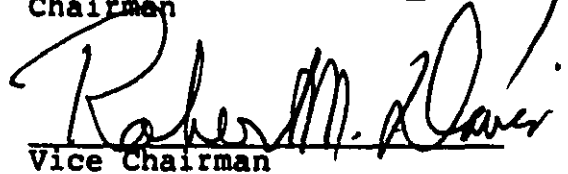
The Commission, having considered the evidence of record and being otherwise sufficiently advised, hereby finds that Cincinnati SMSA should be granted authority to construct and operate a 297 foot cellular radio telecommunications antenna tower in the Cincinnati MSA, at 4929 Ridgeview Drive in Covington, Kenton County, Kentucky.

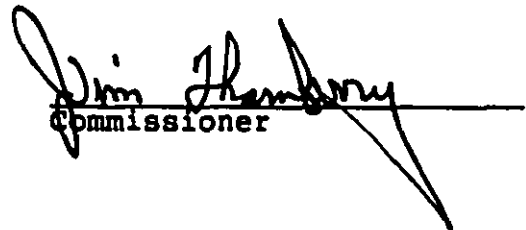
IT IS THEREFORE ORDERED that Cincinnati SMSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct a 297 foot cellular radio telecommunications antenna tower at 4929 Ridgeview Drive, Covington, Kentucky.

Done at Frankfort, Kentucky, this 24th day of April, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director